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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number
(Optional)

600.006

First Named Inventor: Josep DURAN VON ARX

International (PCT) Application No.: PCT/ES2004/000416

U.S. Application No.: 10/573,183
(if known)

Filed: September 22, 2004

Title: NASAL STIMULATOR

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371 (c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S. C. 371 (c) requirement(s)) in the form of
see below _____ (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORM- TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Evelyn A. Defillo
Signature

April 13/07
Date

Evelyn A. Defillo

Typed or Printed Name

45,630

Registration Number, if applicable

Defillo & Associates, Inc.

Address

727 772-5916

Telephone Number

P. O. Box 14104 Clearwater, FL 33766

Address

Enclosures: ☒ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Other (please identify):

Attachment A, B, and C
credit card form

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Joseph Duran Von Arx

Application No.: 10/573,183

Confirmation: 7672

For: **NASAL STIMULATOR**

Docket No.: 600.006

Customer No.: 000058152

PETITION TO REVIVE INTERNATIONAL APPLICATION ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R 1.137(b)

ATTN: PCT

Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Dear Sir/ Madam:

Applicant hereby petitions to revive the above-indicated application under 37 C.F.R 1.137(b). It is submitted that the abandonment of this application was unintentional and the entire delay from the original 30 months filing date of September 22, 2003 was unintentional.

Applicants explain the unintentional nature of the abandonment and the intervening activities prior to the filing of this Petition as follows:

1. Applicant is a Spanish citizen. A Spanish application was filed September 22, 2003. A corresponding U.S. Application should have been filed on March 22, 2006, as a Chapter I National Stage Entry of PCT/ES2004/000416.

2. The inventor, which is not familiar with the USPTO mailing requirements, mailed all the necessary papers for the National stage Entry including the required fees to the USPTO via Express Private Courier on March 21, 2006. See attachment A
3. The papers were received at the USPTO on March 23, 2006, missing the national stage entry deadline by one day;
4. Applicant, the inventor, mailed all the papers and he was not aware, at the time he mailed the National stage Entry to the USA, of the mailing requirements regarding the filing date.
5. After the Notification of Abandonment of October 27, 2006, was received, the undersigned was contacted to discuss the missed filing date and it was agreed that the oversight was unintentional and that a Petition to Revive could be filed with fee. The undersigned already filed within the USPTO all the necessary papers to take over representation in this case.

A request for Chapter I National Stage Entry in the U.S., translation of international application, Preliminary Amendment, Declaration and Power of Attorney and appropriate fees were received by the USPTO on March 23, 2006. Thus, all documents for a complete application have previously been filed.

U.S. Application No.: 10/573,183.
PETITION TO REVIVE

Docket: 600.006

In addition, the application is indicated as abandoned for failure to provide the full U.S. Basic National Fee by 30 months. However, the full U.S. Basic National Fee under 37 CFR 1.495(b)(2) was filed with the U.S.P.T.O. on March 23, 2006. Submitted herewith is a copy of the credit card statement that reflects the charges made to the credit card for this service. (Attachment B).

From attachment B it is clear that the inventor duly filed the full U.S. Basic National Fee under 37 CFR 1.495(b)(2) with the U.S.P.T.O. on March 23, 2006.

In addition, the undersigned is enclosing a credit card form in the amount of \$750.00 of the Petition Fee.

It is respectfully requested that this Petition be granted and that the application be revived.

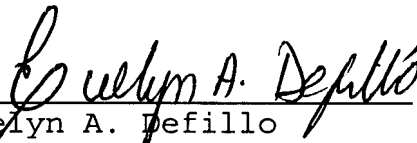
Revival of the above-referenced application pursuant to the provisions of 37 C.F.R 1.137 (b) is respectfully requested.

Respectfully submitted,

Defillo & Associates, Inc.
P.O.Box 14104
Clearwater, FL 33766

(727) 772-5916 telephone
(727) 204-9544 Cellular Phone

Date: April 13, 2007

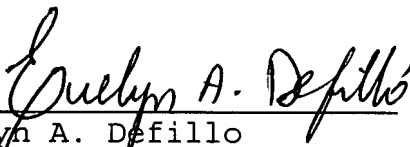

Evelyn A. Defillo
Registration No. 45,630

U.S. Application No.: 10/573,183.
PETITION TO REVIVE

Docket: 600.006

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing RENEWED PETITION TO REVIVE UNDER 37 CFR 1.181 AND POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS for US Application No. 10/573,183 were deposited in first class U.S. mail, with sufficient postage to Mail Stop: Petition, P.O. Box 1450, Alexandria, VA 22313-1450, on **April 13, 2007**.



Evelyn A. Defillo


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/573,183

Josep Duran Von Arx

INTERNATIONAL APPLICATION NO.

PCT/ES04/00416

I.A. FILING DATE	PRIORITY DATE
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09/22/2004

09/22/2003

Joel A. Morrow
 25 Highland Park Village
 Suite 100
 Dallas, TX 75205

CONFIRMATION NO. 7672

371
ABANDONMENT/TERMINATION
LETTER

OC000000021009990

Date Mailed: 10/27/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).
- Applicant has failed to provide the Copy of the International Application by 30 months (37 CFR 1.495(b)(1)).

Attachment C

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Seguimiento

Seguimiento

Conectar Nombre de Usuario:

Contraseña:

Palabra clave olvidada

- **Búsqueda por número de seguimiento**
 - Realizar seguimiento por correo electrónico
 - Importar números de seguimiento
- Seguimiento por número de referencia
- Seguimiento por número de seguimiento de la carga
- Seguimiento por referencia de envío de la carga
- Seguimiento con Quantum View
- Registrarse en Signature Tracking
- Ayuda

Encuentre respuestas a las preguntas sobre el seguimiento

- Ir a Preguntas más frecuentes sobre el seguimiento por Número de seguimiento

Búsqueda por número de seguimiento

Ver detalles

Situación: Entregado
Entregado el día: 23/03/2006 9:56
Firmado por: AASSEW
Lugar: FRONT DESK
Entregado en: ALEXANDRIA, VA, US
Enviado o facturado el día: 21/03/2006

Número de seguimiento: 1Z 986 76A 66 4768 497 8
Tipo de servicio: EXPRESS
Peso: 30 Kg

Seguimiento:

Lugar	Fecha	Hora Local	Actividad
ALEXANDRIA, VA, US	23/03/2006	9:56	DELIVERY
	23/03/2006	6:00	OUT FOR DELIVERY
	23/03/2006	5:29	ARRIVAL SCAN
LAUREL, MD, US	23/03/2006	4:29	DEPARTURE SCAN
	23/03/2006	3:50	ARRIVAL SCAN
PHILADELPHIA, PA, US	23/03/2006	1:34	DEPARTURE SCAN
PHILADELPHIA, PA, US	22/03/2006	10:36	IMPORT SCAN
KOELN (COLOGNE), DE	22/03/2006	2:11	ARRIVAL SCAN
MADRID, ES	21/03/2006	23:57	DEPARTURE SCAN
	21/03/2006	22:30	DEPARTURE SCAN
	21/03/2006	21:56	ORIGIN SCAN
	21/03/2006	19:01	PICKUP SCAN
ES	21/03/2006	12:13	BILLING INFORMATION RECEIVED

Resultados de seguimiento proporcionados por UPS: 27/03/2006 8:09 Hora de la Costa Este / h (EE UU)

NOTA: UPS le autoriza a utilizar los sistemas de seguimiento de UPS exclusivamente para el seguimiento de la entrega de su carga, y con ninguna otra finalidad. Cualquier uso no autorizado de los sistemas de seguimiento de UPS queda terminantemente prohibido.

[← Volver al resumen de seguimiento](#)

03-04- 4940-1511-1150- US PATENT/TRADEMARK -369,86
2006 3948 OF EUR

Movimientos mes
anterior

Situación actual y movimientos de su tarjeta de crédito

Nombre o N° de la Tarjeta

Extracto de Abril de
2006

Tipo:

VISA BUSINESS
ORO

Titular del contrato:

MEDITURYAS S.L.

Beneficiario de la Tarjeta:

JOSE
ANTONIO*URIZAR
LEYBA

Fecha de Caducidad

11/06

Estado:

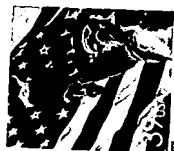
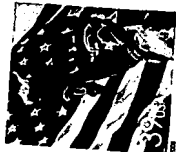
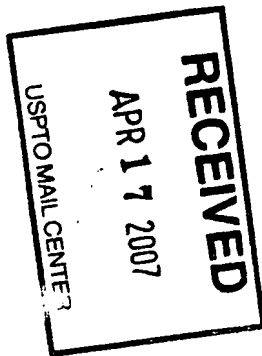
ACTIVO

03-04- 4940- US PATENT/TRADEMARK -369,86
2006 3948 OF EUR

ENTRADA EN FASE NACIONAL "ESTIMULADOR NASAL" PCT 130 EN USA

Attachment B

LO & ASSOCIATES, INC
P.O. BOX 14104
RWATER, FL 33766-4104



MAIL STOP Patent
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

First Class Mail
First Class Mail